

REMARKS

Claims 1-21 are pending. The Office Action dated October 30, 2007 (“Office Action”) in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 10-14 and 18 have been amended in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claim 11 stands objected to because of informalities. Applicant has amended Claim 11 to correct a typographical error. Additionally, Applicant has corrected similar typographical errors in Claims 12 and 13. Applicant respectfully requests that the objection to Claim 11 be withdrawn.

Claims 14-17 stand rejected under 35 U.S.C. § 101 as being unpatentable for being directed to non-statutory subject matter. Rejected independent Claim 14 as now amended recites statutory subject matter, namely “the computer program product embodied on a computer-readable_medium”. Claims 15–17 depend from Claim 14 and thus also recite statutory subject matter. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 101 rejections of Claims 14-17 be withdrawn.

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,089,203 to Crookshanks (“Crookshanks”). In light of the amendments submitted herewith, Applicants respectfully submit that the rejections have been overcome. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 1, as now amended, more particularly recites one of the distinguishing characteristics of the present invention, namely, “a cross-sectional profiles module.” (Emphasis added.) Support for this Amendment can be found, among other places, on page 8, lines 5-15 of the original Application.

Crookshanks was cited as allegedly fully disclosing all the limitations of Claim 1. However, Crookshanks does not suggest, teach, or disclose “a cross-sectional profiles module.” Instead, Crookshanks teaches and discloses a requirements profile module. See Crookshanks, col. 27, line 62.

In view of the foregoing, it is apparent that the cited reference does not teach the unique combination now recited in amended Claim 1. Applicant therefore submits that amended Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 1 under 35 U.S.C. § 102(e) be withdrawn and that Claim 1 be allowed.

Similarly, Claims 2-9 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Crookshanks. However, Claims 2-9 depend from and further limit Claim 1. Hence, for at least the aforementioned reason that Claim 1 should be deemed to be in condition for allowance, Claims 2-9 should also be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 2-9 also be withdrawn.

Rejected independent Claim 10, as now amended, more particularly recites one of the distinguishing characteristics of the present invention, namely, “mapping units and costs and cross-sectional profiles.” (Emphasis added.) Support for this Amendment can be found, among other places, on page 8, lines 5 -15 and page 17, lines 8-15 of the original Application.

Crookshanks was cited as allegedly fully disclosing all the limitations of Claim 10. However, Crookshanks does not suggest, teach, or disclose “mapping units and costs and cross-sectional profiles.” Instead, Crookshanks teaches and discloses a requirements profile module. See Crookshanks, col. 27, line 62.

In view of the foregoing, it is apparent that the cited reference does not teach the unique combination now recited in amended Claim 10. Applicant therefore submits that amended Claim 10 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 10 under 35 U.S.C. § 102(e) be withdrawn and that Claim 10 be allowed.

Applicant contends that the rejections of amended Claim 14 and 18 are overcome for at least some of the reasons that the rejection of Claim 10, as amended is overcome. These reasons include Crookshaft not disclosing, teaching, or suggesting mapping cross-sectional profiles. Applicant therefore respectfully submits that amended Claims 14 and 18 are clearly and precisely distinguishable over the cited reference.

Claims 12, 13, 15-17, 19-21 depend from and further limit a respective one of Claims 10, 14 and 18. Hence, for at least the aforementioned reason that Claims 10, 14 and 18 should be deemed to be in condition for allowance, these dependent Claims should also be deemed to be in condition for allowance. Applicants respectfully request that the 35 U.S.C. § 102(e) rejections of the dependent Claims 17-24, 26-32 and 34-36 also be withdrawn.

New Claims 22 – 29 have been added. Claims 22 and 23 depend from Claim 18. Claims 24 and 25 depend from Claim 9. Claims 26 and 27 depend from Claim 10. Claims 28 and 29 depend from Claim 14. Applicants respectfully assert that these claims are patentable over the cited art and that no new matter has been added.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1–29.

Applicant hereby requests an extension of time for making this reply and hereby authorizes the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. Regarding new Claims 22-29, Applicant hereby authorizes the Director to charge the fees required under 37 C.F.R. §1.16(i), for the added dependent claims 22-29, to Deposit Account No. 50-0605 of CARR LLP. Applicant does not believe that any other fees are due; however, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP..

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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